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Simons' lawyers decide not to present evidence

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Attorneys for Carl G. Simons decided today not to present any evidence in Simons' trial on a first-degree murder charge stemming from the beating death of former Richmond City Councilman J. Edward Lawler.

Thomas P. Collins, a defense attorney, announced the surprise move after his motion to strike the prosecution's case was overruled by Judge William E. Spain in Richmond Circuit Court, Division II.

Collins and Simons' other attorney, Larry Pochucha, had planned at one point to let Simons, 26, and a co-defendant, Timothy N. Dickenson, 20, testify. The change in defense strategy occurred overnight.

In moving to strike the prosecution's case, Collins argued that none of the evidence put the murder weapon, a pair of 2-foot-long bolt-cutters, in Simons' hands.

Spain asked, "He never had the weapon in his hands? What difference does that make if he was acting in concert with one or more other persons when they figured an old man left money laying around, and they were going there to get money?"

Richmond Assistant Commonwealth's Attorney Warren Von Schuch, countering the defense attorneys' arguments, argued that, even though Simons did not kill Lawler with the bolt-cutters, Simons was acting in concert with 17-year-old John Robert Ballard, who confessed in his trial two weeks ago to killing Lawler with the bolt-cutters.

Ballard was convicted of first-degree murder and is to be sentenced June 16.

During the first day of his trial yesterday, Simons had heard himself tell of going to Lawler's home "to get some money" the night Lawler was beaten to death.

Simons also listened as he told Richmond Detective James S. Gaudet of trying to stop Ballard from beating the 74-year-old Lawler to death

"John was hitting him on the head, and I hollered for him to stop, stop," Simons said on a tape recording played yesterday for the jury hearing his case.

Gaudet taped his Jan. 31 questioning of Simons shortly after Gaudet and other policemen arrested Simons, a resident of Powhatan County.

Tips from a state police informer who was told by Simons of Lawler's killing led to the arrests of the defendant, Ballard and two other persons.

During his trial, Ballard insisted that Simons put him up to killing Lawler and told him to keep beating the elderly man at his home at 5011 Riverside Drive the night of Dec. 30.

Ballard, his 18-year-old sister, Juanita, who knew Lawler, Simons and Dickenson went to Lawler's home in Simons' car to rob Lawler and left with a jewelry box, according to testimony at Ballard's trial.

Simons is being tried under Virginia's felony-murder law on charges of first-degree murder, breaking and entering and robbery. Under this law, if a murder occurs during a felony such as a robbery, all taking part in the robbery are equally guilty.

Sheriff's deputies escorted all four defendants into the courthouse again today.

Df. Marcella Fierro, deputy chief state medical examiner, told the jurors that Lawler died of a crushed skull about an hour after suffering 17 head wounds and cuts and bruises on his forearms.

In other testimony today, a state crime laboratory examiner told the jury that hair fragments discovered on the bolt-cutters found by police in Simons' van in Fort Pierce, Fla., matched Lawler's hair.

Simons and the Ballards drove to Florida in the van a day or two after Simons told William T. Kirby, a state police informer, about the killing and showed Kirby a newspaper article about the murder, according to other testimony.

At the defense lawyers' request yesterday, Spain took the jurors on a tour of Lawler's one-story home on a cul-de-sac overlooking the James River about a block southwest of the Boulevard Bridge.

After the tour, Kirby told of Simons boasting to him Jan. 3 about killing Lawler. Kirby, who admitted on cross-examination that he had a criminal record, also testified that Simons bragged again about the Lawler killing as the two drove back to Richmond from Fort Pierce, Fla., Jan. 10-11.

Kirby said that after Simons told him about the killing the first time he relayed the information to state police Investigator D.D. Garrett, who passed the leads on to Gaudet.

After Simons first told him of the killing, Kirby said, he led Simons to believe he could line him up with "a big job," presumably of a criminal nature, and one that would pay well. Kirby said he did so in order to get Simons to talk more about the Lawler murder.

Simons' talking with Kirby and then with Gaudet led to the arrest of Dickenson here and to the arrests in Fort Pierce on Jan. 12 of the Ballards.

Kirby also testified that Simons said he had hidden a safe deposit box belonging to Lawler in woods behind Lawler's home. The night of Jan. 11, after their return to Richmond, Simons directed him to the Lawler home, presumably to look for the deposit box, but they left when another car pulled up nearby, Kirby said.

Tipped off by the informer, Richmond detectives followed Kirby's car, and in court yesterday Gaudet told the jurors the trailing of the defendant back to the crime scene yielded "the probable cause" needed for the arrest of Simons.

Detectives said they combed the woods but never found a deposit box and believe Simons made the story up in his bid to get the equally non-existent "big job" Kirby had told him about.